THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24437 OF 2005

Dt.16.11.2005

Between:

Smt.K.Sailaja

… Petitioner

And

The Joint Collector, Anantapur and

2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner herein is appointed as Fair Price Shop of Narnegapalli Village, Roddam Mandal, Anantapur District. While so, the 3rd respondent framed six charges alleging that the petitioner failed to distribute kerosene oil to the coupon holders and also P.D.S rice, and misused 307 K.Gs., and 47 K.Gs., of sugar and also failed to maintain the F.P.Shop accounts properly. Accordingly, the authorization of the petitioner has been suspended pending enquiry calling upon the petitioner to file explanation within seven days vide suspension cum show cause notice dated 24.4.2005. It is stated that explanation has been submitted within the prescribed time, but enquiry has not been completed and final orders have not been passed. However, it is stated that aggrieved by the said action of the 2nd respondent in suspending his authorization, the petitioner filed an appeal before the Joint Collector, Anantapur, and the Joint Collector rejected the stay petition. Against which, the petitioner filed W.P.No.11520 of 2005 which was disposed of on 24.5.2005 directing the Joint Collector to dispose of the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of the said order. It is stated that though the said order of this Court dated 24.5.2005 in W.P.No.11520 of 2005 was communicated in the month of June, 2005 to the first respondent the appeal itself has not been disposed of.

I am of the opinion that the said action of the Joint Collector, Anantapur is nothing but flouting the orders of this Court and if any

contempt case is filed the same will be dealt with in appropriate manner. The grievance of the petitioner in this writ petition is that merely because of the pendency of the appeal before the Joint Collector, the Revenue Divisional Officer cannot sleep over the matter without taking any action in the matter. Pendency of appeal cannot constitute reasons or grounds to sleep over the matter without completing the enquiry. It is for the original authority to send xerox copies of records and pass final orders without waiting for the result of the orders of appellate authority against the orders of suspension made pending enquiry.

Having regard to the facts and circumstances of the case, the 2nd respondent is directed to complete the enquiry and pass appropriate orders after giving reasonable opportunity to the petitioner within four weeks from the date of receipt of a copy of this order. If no such orders are passed within the said period, the suspension order shall automatically stands cancelled and the petitioner shall be permitted to carry on business in accordance with her authorization as Fair Price Shop dealer.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

16.11.2005

Note: Issue copy within one week.

B.O.

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